

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RYDON CLYDE TETON,

Plaintiff,

v.

FEDERAL DETENTION CENTER  
SEATAC, et al.,

Defendant.

CASE NO. 2:24-cv-01615-JCC-BAT

**REPORT AND  
RECOMMENDATION DISMISSING  
AMENDED COMPLAINTS, DKTS  
16, 18 AND 20, AND DENYING  
COUNSEL, DKT. 19.**

Before the Court are three Amended Complaints. Dkts. 16, 18, 20. Plaintiff filed the Amended Complaints in response to the Court's November 21, 2024 Order dismissing Counts I and III without prejudice of the original complaint and directing Plaintiff to file an amended complaint no later than December 12, 2024. Dkt. 14. Plaintiff has also filed a motion for appointment of counsel on January 3, 2025. Dkt. 19.

For the reasons below, the Court recommends **DISMISSING** the amended complaints, Dkts. 16, 18, and 20 without prejudice, and **DENYING** appointment of counsel. Dkt. 19.

**BACKGROUND**

Plaintiff initiated this action on September 11, 2024 while he was detained at the Federal Detention Center SeaTac. Dkt. 1. On November 21, 2024, the Court issued an Order dismissing Counts I and III of the original complaint without prejudice and directed Plaintiff to file an

1 amended complaint as to each of the counts in the original complaint no later than December 12,  
2 2024, or the matter would be dismissed. Dkt. 14. Due to Petitioner's transfer to F.C.I.  
3 Victorville, the amended complaints Plaintiff mailed to the Court in December, 2024, were  
4 docketed on December 16, 2024, Dkt. 16, and December 31, 2024, Dkt. 18. Plaintiff also filed an  
5 amended complaint on January 3, 2025. Dkt. 20. The Court has reviewed each of the amended  
6 complaints and recommends dismissing this action.

7 ***1. First Amended Complaint***

8 On December 16, 2024, Plaintiff filed an "Amended Complaint." Dkt. 6 at 1. Plaintiff's  
9 Amended Complaint states he Plaintiff "will set aside" the allegations set forth in Counts I and  
10 III of the original complaint. He alleges the "main factor is the allegations in Count II" which he  
11 details in the amended complaint. *Id.*

12 As to Count II, Plaintiff alleges he is now housed at FCI Victorville in California and  
13 wishes to "persue his personal safety and reli-of sentence, to be released with my spouse's and  
14 U.S. Marshal's services to help investigate throughout the United States. An emergency  
15 immediate release of incarceration of emergency transport order to brief hearing U.S.C. Boise,  
16 Idaho 837-24 Judge David C. Nye. Civil Courts Judge Candy W. Dale." *Id.* at 2.

17 Plaintiff further alleges that "this is an amended complaint and I have statements and 2  
18 more allegations against 2 staff members here at F.C.I. Victorville." *Id.* at 3. Plaintiff alleges a  
19 Victorville staff member with the last name of "Sue" "threatened" Plaintiff and a female staff  
20 member "exposed" Plaintiff's "copout history." *Id.* Plaintiff further contends that he has  
21 witnessed "hatred" from numerous corrections officers, and that he has been placed in protective  
22 custody at Victorville because he has been "exposed" by staff there. *Id.* at 4. Plaintiff also alleges  
23 he has been "hassled" regarding his "computation sheet" *id.* at 5, and that a case manager at

1 F.C.I. Victorville is corrupt and there is an investigation in “the State Idaho and Washington and  
2 the United States.” *Id.* at 6.

3 Plaintiff also mentions a Dominican prisoner at F.C.I. Victorville and transactions  
4 regarding stamps, and 100 sheets of paper. *Id.* 6-7. Plaintiff makes additional allegations against  
5 Victorville staff regarding “exposing” Plaintiff’s “copout” history and that he is fearful of gang  
6 members. *Id.* at 7-8.

## 7 **2. Second Amended Complaint**

8 On December 31, 2024, Plaintiff filed a second amended complaint (SAC) which states  
9 Plaintiff is “submitting the third amended complaint concerning allegations and relevant facts all  
10 an entire remedy for the amended complaint.” Dkt. 18.

11 Plaintiff alleges in the SAC that on December 2, 2024, his first cellmate at F.C.I  
12 Victorville made comments to Plaintiff which led Plaintiff to allege to “S.I.S Pena” that the  
13 cellmate was “pimpn” children. Dkt. 18 at 2. Plaintiff alleges on December 16, 2024, his third  
14 cellmate received a disciplinary hearing and that a counselor “exposed” Plaintiff regarding gangs  
15 but denied exposing Plaintiff. Plaintiff alleges he also put in numerous “copouts” dated  
16 December 24, 204 alleging cruel and unusual punishment. *Id.*

17 Plaintiff’s SAC acknowledges an amended complaint supersedes all prior complaints and  
18 concludes by stating “Here comes now Plaintiff Rydon #10638-23 in the 3rd of 3 remedies all in  
19 one entire Amended Complaint.” *Id.* 3.

## 20 **3. Third Amended Complaint**

21 On January 3, 2025, Plaintiff filed a Third Amended Complaint (TAC) which states  
22 “Comes now Plaintiff Rydon c. Teton #10638-023 a pro se litigant in an amended complaint to  
23 allegation II (2).” Dkt. 20 at 1. The TAC alleges Plaintiff requested protective custody because

1 he was threatened by case manager at F.C.I. Victorville, due to Plaintiff's "cop out" history and  
2 exposure of this history by another Victorville staff member. *Id.* Plaintiff alleges there are at least  
3 three witnesses at Victorville supporting his allegations and further that he has "pointed out" to  
4 Victorville staff there are inmates at the prison who want to harm Plaintiff for his "5K1.1 snitch  
5 inmate copout history." *Id.* at 2. The TAC further states that Plaintiff wishes to "add this  
6 amended complaint to the 12-7-2024 amended complaint to Allegation II (2)." *Id.* at 3.

### 7 DISCUSSION

8 The Court has reviewed Plaintiff's December 16, 2024 amended complaint, Dkt. 14, the  
9 Second Amended Complaint (SAC) filed December 31, 2024, Dkt. 16, and the Third Amended  
10 Complaint (TAC). Dkt. 20. The Court earlier advised Plaintiff that an amended complaint acts as  
11 a complete replacement of the original complaint and not as a supplement, Dkt. 14, and Plaintiff  
12 acknowledges the same in both his SAC and his TAC.

13 Plaintiff's three amended complaints indicate he wishes to pursue the allegations  
14 contained in count II of the original complaint. In specific, Plaintiff now makes allegations in  
15 each of the three amended complaints against federal detention staff or inmates at Plaintiff's  
16 current prison F.C.I. Victorville, a Federal Bureau of Prison's facility located in the State of  
17 California.

18 28 U.S.C. § 1391(e)(1) governs venue in a suit against the federal government and  
19 federal officials. Venue in such a suit lies "in any judicial district in which (A) a defendant in the  
20 action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred,  
21 or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff  
22 resides if no real property is involved in the action." 28 U.S.C. § 1391(e)(1). All defendants  
23 referenced in the three amended complaints reside in California, and all events giving rise to the

1 claims contained in the amended complaints occurred in California. As such, venue regarding  
2 Plaintiff's three amended complaints does not lie in the Western District of Washington but in  
3 the Central District of California, where F.C.I. Victorville is located.

4 When an action is lodged in the wrong federal district, the district court "shall dismiss, or  
5 if it be in the interest of justice, transfer such case to any district or division in which it could  
6 have been brought." 28 U.S.C. § 1406(a). F.C.I Victorville is located in the Central District of  
7 California. The Court finds it appropriate to dismiss the amended complaints without prejudice  
8 rather than transfer this matter to the Central District of California. This is an appropriate course  
9 of action because a dismissal without prejudice allows Plaintiff to file a complaint regarding  
10 allegations contained in the amended complaints which occurred in December 2024, in the  
11 Central District of California if he so chooses. Plaintiff should note that if he seeks to file a  
12 lawsuit against Defendants at F.C.I. Victorville, he should **not** file his lawsuit in the Western  
13 District of Washington.

14 Plaintiff also moves for appointment of counsel. Dkt. 19. A person filing a civil lawsuit  
15 generally has no right to counsel. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The  
16 Court may appoint counsel for an indigent civil litigant but only if "exceptional circumstances"  
17 exist. *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine  
18 if "exceptional circumstances" exist, the Court considers the likelihood of success on the merits,  
19 and the ability of Plaintiff to articulate her claims *pro se* given the complexity of the legal issues  
20 involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Here, Plaintiff's amended  
21 complaints have been brought in the wrong federal district, and accordingly there is no basis to  
22 appoint counsel in this district.

23 For the foregoing reasons, the Court RECOMMENDS:

1 (1) The Amended Complaint, Dkt. 16, the Second Amended Complaint, Dkt. 18, and  
2 the Third Amended Complaint, Dkt. 20, be DISMISSED without prejudice.

3 (2) Plaintiff's motion for appointment of Counsel be DENIED.

4 (2) Plaintiff be notified that any lawsuit against staff at F.C.I. Victorville should be  
5 filed in the Central District of California, not this district.

6 **OBJECTIONS**

7 This Report and Recommendation is not an appealable order. Plaintiff should not file a  
8 notice of appeal seeking review in the Court of Appeals for the Ninth Circuit until the assigned  
9 District Judge enters a judgment in the case.

10 Objections, however, may be filed no later than **February 4, 2025**. The Clerk shall note  
11 the matter for **February 7, 2025**, as ready for the District Judge's consideration. The failure to  
12 timely object may affect the right to appeal.

13 DATED this 21st day of January, 2024.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge